

Appl. No. 09/966,970

REPLY UNDER 37 C.F.R. 1.116
Expedited Procedure
Technology Center - 2676**ADMENDMENTS TO THE DRAWINGS**

The amendments to the drawings requested herein comprise the addition of a "Prior Art" label to FIGs. 2 and 3. An appendix following this paper includes replacement sheets and annotated sheets highlighting the requested changes.

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REMARKS/ARGUMENTS

Revised FIGs. 2 and 3 are presented herewith in response to the Examiner's request that they be labeled "PRIOR ART."

The drawings have been objected to for failing to show every feature of the invention specified in the claims. Similarly, claims 33-45 and 46-52 have been rejected under 35 USC 112(1). Amendments have been requested under 37 CFR 1.116 to render these rejections moot. The recited controller corresponds to the FPGA 240 which incorporates the DMA 230 (see at least FIG. 4). As such amendments should have been expected, entry thereof is requested in accordance with MPEP 714.12 and 714.13.

Claims 1-3, 5-10, 12, 14-16, 18-20, 23-25 and 27-52 stand rejected under 35 USC 103 as being unpatentable over the admitted prior art and Rao et al. In light of the following remarks, the rejection is respectfully traversed.

According to M.P.E.P. §2143, to set forth a Prima Facie case of obviousness, the Examiner must satisfy three basic criteria:

1) there must be some suggestion or motivation to modify the reference or to combine reference teachings;

2) there must be a reasonable expectation of success; and

3) the prior art references (or references when combined) must teach or suggest all of the claim limitations.

Applicants respectfully submit that the examiner has failed to supply an adequate motivation for the cited combination. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In making his rejection, the examiner appears to be using hindsight and simply recites the problem identified and solved by the present invention. More to the point, a statement that the claimed invention would have been "well within the ordinary skill of the art at the

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time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. See MPEP2143.01.

Applicant's admitted prior art consists of a block diagram of hardware and software modules of a known portable imaging device. Examples of portable imaging devices include: bar code readers, optical character readers, digital cameras and the like. Looking at FIG. 3, the use model of the admitted prior art is to capture the image to a buffer, enhance and reformat the image within the buffer and subsequent painting of the image on the display. The capturing of the image comprises reading the image from an imager, such as a CMOS or CCD sensor. Timing is dependant on the capture cycle of the imaging device and the time required for enhancing and reformatting the image in the buffer.

Rao et al. is directed toward a typical processing system in a PC system. In particular, Rao et al. is directed toward relieving the CPU of the burden of transferring data from system memory to a frame buffer in a display controller. As set forth at page 3, lines 17 through 25, prior to Rao et al., multiple CPU cycles were required for each word of data to be transferred. Other problems addressed by Rao et al., revolve around efficient use of memory space. The solution presented by Rao et al. is to dedicate normal system memory as the frame buffer, e.g. by co-locating the system memory and the frame buffer on a single integrated circuit. There is no image capture taught or suggested.

Applicants respectfully submit that no motivation exists to combine the teachings of the prior art with the teachings of Rao et al. For example, there is nothing in the admitted prior art that indicates the use of additional buffers to solve the identified problem. Perhaps more to the point, Rao et al., supplies no teaching or suggestions (much less motivation) applicable to imaging devices or image capture in general. More specifically, Rao et al. is silent on processing a concurrent image capture process.

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If the Applicant had to guess, the reason that motivation is not found is that the two references provide two completely different functionalities in two completely different systems (general purpose computers versus imaging devices). In any event, the examiner has failed to set forth a prima facie case of obviousness and withdrawal of the rejection based on the combination of the admitted prior art and Rao et al. is respectfully requested.

Applicants also respectfully submit that the combination of Applicant's admitted prior art and Rao et al. is improper as Rao et al. is non-analogous to Applicant's admitted prior art and the problem at hand.

One of the problems addressed by the present invention is that all frames captured by the imager could not be displayed on the portable device as the pre-processing and painting routines interfere with the capture process. In the example discussed in the specification, at page 3 lines 13 et seq., the 10 to 20 millisecond delay imparted by the pre-processing and painting processes meant that only every other frame that could be captured from the imager.

There is nothing in the solutions presented in Rao et al. which would indicate that they are reasonably relevant to the problems addressed by the present invention. It should be noted that the teachings of Rao et al. are not necessarily in the same field of endeavor as the claimed subject matter merely because it relates to the use of memories for display.

Applicant also notes that the dependant claims, such as claim 6, contain elements not shown or suggested by the totality of the references.

In accordance with the foregoing it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance, such action being earnestly solicited.

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If the Examiner has any remaining informalities to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such informalities.

If any further fees are required in connection with the filing of this Amendment, please charge same to our Deposit Account No. 50-1078.

Respectfully submitted,
HANDHELD PRODUCTS, INC.

Date: August 4, 2005By: 

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